

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ESTABLISHMENT OF DUAL PARTY RELAY	)	
TELECOMMUNICATIONS SERVICES FOR	)	ADMINISTRATIVE
HEARING-IMPAIRED OR SPEECH-IMPAIRED	)	CASE NO. 333
PERSONS IN KENTUCKY	)	

O R D E R

This matter arising upon petition of MCI Telecommunications Corporation ("MCI") received April 25, 1991 for confidential protection of certain information filed in response to the request for proposals for the provision of Dual Party Relay Service in Kentucky which was filed March 4, 1991 and March 28, 1991, and it appearing to this Commission as follows:

On February 1, 1991, the Commission issued a request for proposals for the provision of intrastate Dual Party Relay Service. The Order anticipated the Commission would receive competing proposals to provide the service and, therefore, declared all proposals would be maintained in confidence until a provider for the service was selected.

On April 15, 1991, the Commission entered an Order awarding the bid to AT&T Communications of the South Central States, Inc. By that Order the Commission provided ten days in which persons submitting bids could request confidential treatment of the bid proposals.

807 KAR 5:001, Section 7, protects information as confidential when it is established that disclosure is likely to cause substantial competitive harm to the party from whom the information was obtained. In order to satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

MCI requests that its proposal and the material filed in response to the oral presentation be protected in their entirety from public disclosure. Because the petition does not provide sufficient detail to demonstrate that disclosure of the information would cause competitive injury and the material is not of such a nature as would likely cause competitive injury, this request to protect from public disclosure the material in its entirety is denied.

Alternatively, MCI requests that certain portions of the material be protected from disclosure. The Commission has carefully reviewed this request and finds that except for the following enumerated items, MCI's petition does not provide sufficient detail to demonstrate that disclosure of the information specified would cause competitive injury and the material is not of such a nature as would likely cause competitive injury. The Commission further finds that public disclosure of the following information would likely result in competitive injury to MCI and should be protected as confidential:

(a) The number of newly created positions comprising the opportunity of employment for Kentuckians from Section 1.02, Letter of Commitment.

(b) The disaggregated amounts under the headings of "Investment in Equipment/Plant," "Office Facilities," "Employee Hiring/Training," and "Other" from the schedule of start-up costs in Section 3.4.

(c) The amounts for each category including the "Total Operating Expenses" and "Return on Investment" from the schedule of on-going annual costs in Section 3.4.

(d) The second sheet of Section 7 to the extent of amounts for each category in the schedule of on-going annual costs.

(e) The third sheet of Section 7 to the extent of the disaggregated amounts under the headings from the schedule of start-up costs.

(f) The rate of return on the total cost, the rate of return on capital from the question two of material filed in response to the oral presentation of MCI's bid.

(g) The rate of return, the capital investment, the return on investment and the return on capital contained in attachment B to the responses filed in response to the oral presentation of MCI's bid.

The Commission, being otherwise sufficiently advised, HEREBY ORDERS that:

1. MCI's petition for confidentiality is hereby denied except as specifically set forth in paragraphs (a) - (g) herein.

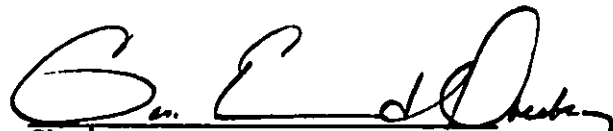
2. The information sought to be protected from disclosure by MCI's petition, and for which the Commission denies such protection, shall be held as confidential and proprietary for five working days from the date of this order, at the expiration of which time, it shall be placed in the public record.

3. The information set forth in paragraphs (a) - (g) herein for which MCI has petitioned for confidential treatment shall be withheld from public disclosure and retained by this Commission as confidential and shall not be open for public inspection.


4. MCI shall, within five working days of the date of this Order, file an edited copy of the information with only those portions which the Commission has granted confidential treatment obscured for inclusion in the public record.

Done at Frankfort, Kentucky, this 3rd day of May, 1991.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director

COMMONWEALTH OF KENTUCKY  
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O R D E R

This matter arising upon petition of US Sprint Communications Company, Limited Partnership ("Sprint") received April 25, 1991 requesting an extension of time in which to file a petition for confidentiality of the bid proposal for Dual Party Relay Service and it appearing to this Commission as follows:

On February 1, 1991, the Commission issued a request for proposal for the provision of intrastate Dual Party Relay Service. The Order anticipated that competing proposals would be received and that all proposals should be maintained in confidence until a provider for the service was selected.

On April 15, 1991, the Commission entered an Order awarding the bid to AT&T Communications of the South Central States, Inc. By that Order the Commission provided ten days in which persons submitting bids could request confidential treatment of the bid proposals.

Sprint has requested an extension through May 10, 1991 to file a petition for confidentiality. In support of this request Sprint asserts that personnel are unavailable to consult with

counsel and that the extension will not unduly delay this proceeding.

The Commission having considered this request for an extension of time and having been otherwise sufficiently advised HEREBY ORDERS that:

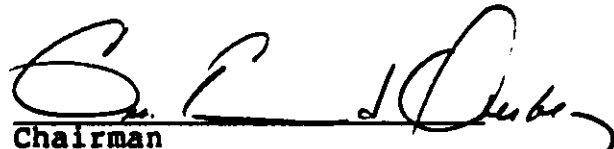
1. Sprint's request for an extension of time in which to file a petition for confidentiality of its bid proposal shall be granted. Sprint shall file its petition no later than May 10, 1991.

2. The petition shall address Sprint's bid proposal received by the Commission on March 4, 1991 and information received March 27, 1991 in response to the oral presentation of Sprint's bid.

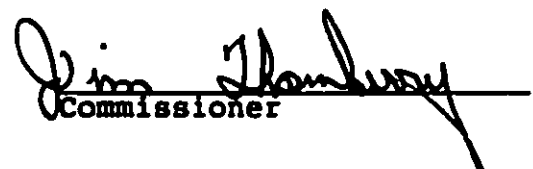
3. Sprint shall file an edited copy of the information for which it does not claim proprietary and shall designate with specificity only those portions of its proposal and response to the oral presentation which it considers proprietary.

Done at Frankfort, Kentucky, this 3rd day of May, 1991.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director

COMMONWEALTH OF KENTUCKY  
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PERSONS IN KENTUCKY	)	

O R D E R

This matter arising upon petitions of South Central Bell Telephone Company ("South Central Bell"), received March 4, 1991 and March 26, 1991 for confidential protection of certain information filed in response to the request for proposals for the provision of Dual Party Relay Service in Kentucky, and it appearing to this Commission as follows:

On February 1, 1991, the Commission issued a request for proposals for the provision of intrastate Dual Party Relay Service. The Order anticipated the Commission would receive competing proposals to provide the service and, therefore, declared all proposals would be maintained in confidence until a provider for the service was selected. On April 15, 1991, the Commission entered an Order awarding the bid to AT&T Communications of the South Central States, Inc.

807 KAR 5:001, Section 7, protects information as confidential when it is established that disclosure is likely to cause substantial competitive harm to the party from whom the information was obtained. In order to satisfy this test, the

party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

South Central Bell requests that certain portions of its material be protected from disclosure. The Commission has carefully reviewed this request and finds that except for the following enumerated items, South Central Bell's petitions do not provide sufficient detail to demonstrate that disclosure of the information specified would cause competitive injury and the information is not of such a nature as would likely cause competitive injury. The Commission further finds that public disclosure of the following information would likely result in competitive injury to South Central Bell and should be protected as confidential:

(a) The disaggregated amounts under the headings of "Relay Center Cost," "Billing Cost," "Advertising Cost," and "Network Cost" from the schedule for Nonrecurring Costs in Section 6.0, Costs, page 41.

(b) The amounts for each category including the "Relay Center Cost," "Billing Cost," and "Network Cost" from the schedule of Recurring Cost in Section 6.0, Costs, page 42.

(c) The amount of capital basis upon which the annual investment was calculated from Item No. 6 of material filed in response to the oral presentation of South Central Bell's bid.



The Commission, being otherwise sufficiently advised, HEREBY ORDERS that:

1. South Central Bell's petition for confidentiality is hereby denied except as specifically set forth in paragraphs (a) - (c) herein.

2. The information sought to be protected from disclosure by South Central Bell's petition, and for which the Commission denies such protection, shall be held as confidential and proprietary for five working days from the date of this order, at the expiration of which time, it shall be placed in the public record.

3. The information set forth in paragraphs (a) - (c) herein for which South Central Bell has petitioned for confidential treatment shall be withheld from public disclosure and retained by this Commission as confidential and shall not be open for public inspection.


4. South Central Bell shall, within five working days of the date of this Order, file an edited copy of the information with only those portions which the Commission has granted confidential treatment obscured for inclusion in the public record.

Done at Frankfort, Kentucky, this 3rd day of May, 1991.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director